

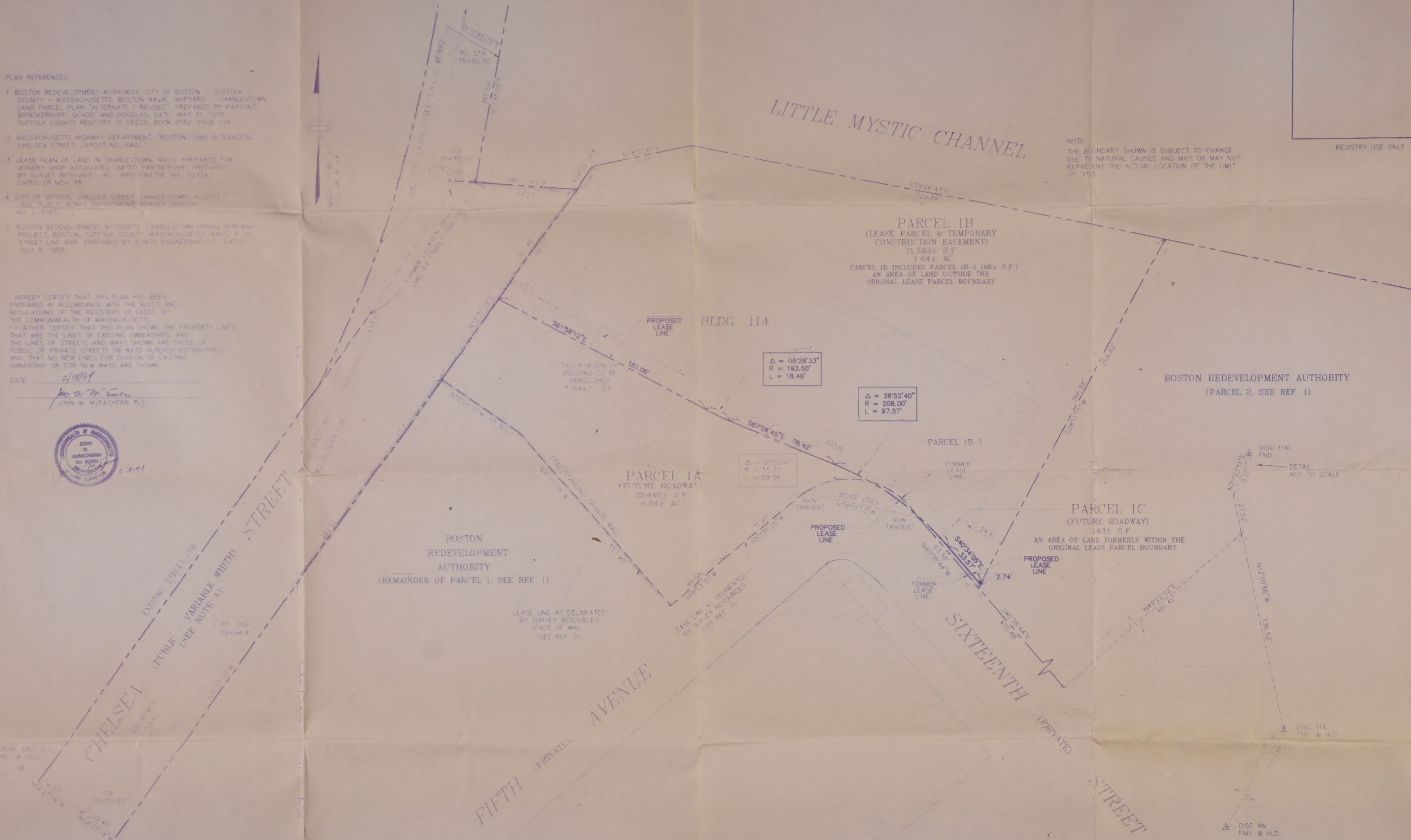
PLAN REFERENCES:

1. BOSTON REDEVELOPMENT AUTHORITY, CITY OF BOSTON - SUFFOLK COUNTY - MASSACHUSETTS, BOSTON NAVAL SHIPYARD - CHARLESTOWN LAND PARCEL PLAN "ALTERNATE 1 REVISED" PREPARED BY PARSKY, BRINKERHOFF, QUADE AND DOUGLAS, DATE: MAY 31, 1975, SUFFOLK COUNTY REGISTRY OF DEEDS, BOOK 9182, PAGE 134
2. MASSACHUSETTS HIGHWAY DEPARTMENT "BOSTON-1982 ALTERATION, CHELSEA STREET, LAYOUT NO. 6492"
3. LEASE PLAN OF LAND IN CHARLESTOWN, MASS. PREPARED FOR JOINERY SHOP ASSOCIATES LIMITED PARTNERSHIP, PREPARED BY SURVEY RESOURCES INC., BRIDGEWATER, MA 02324, DATED 28 NOV 86
4. CITY OF BOSTON, CHELSEA STREET, CHARLESTOWN, AUGUST 1926, PUBLIC WORKS DEPARTMENT, SURVEY DIVISION, NO. L-3105
5. BOSTON REDEVELOPMENT AUTHORITY, CHARLESTOWN URBAN RENEWAL PROJECT, BOSTON, SUFFOLK COUNTY, MASSACHUSETTS, MASS. R. 105 STREET LINE MAP, PREPARED BY YUNTS ENGINEERING CO., DATED: JULY 8, 1968

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS. I FURTHER CERTIFY THAT THIS PLAN SHOWS THE PROPERTY LINES THAT ARE THE LINES OF EXISTING OWNERSHIP AND THE LINES OF STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

DATE: 2/11/94

JOHN W. MEECHER, PLS



NOTE:
THE BOUNDARY SHOWN IS SUBJECT TO CHANGE DUE TO NATURAL CAUSES AND MAY OR MAY NOT REPRESENT THE ACTUAL LOCATION OF THE LIMIT OF TITLE

REGISTRY USE ONLY

NO	DATE	REVISION	BOSTON REDEVELOPMENT AUTHORITY CHARLESTOWN, MA.	LEASE PLAN OF LAND	DRWN: CJB DES: WEB CHKD: JWM APRVD: JWM	Rizzo Associates, Inc. Engineers and Environmental Scientists 235 West Central Street, Natick, MA 01760	SHEET NO. 1 OF 1 DRAWING NO. 2981B FILE NAME 2981B.DWG
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dt Doc 5616
ADOPTED 1/26/94

MEMORANDUM

JANUARY 26, 1994

TO: BOSTON REDEVELOPMENT AUTHORITY AND
PAUL L. BARRETT, DIRECTOR

FROM: BRIAN DELOREY, ASSISTANT DIRECTOR FOR
ECONOMIC DEVELOPMENT
VICTOR KAREN, DEPUTY DIRECTOR FOR
ECONOMIC DEVELOPMENT

SUBJECT: ORDER OF TAKING - PORTION OF BUILDING 114
FOR GATE 6 IMPROVEMENTS IN THE
CHARLESTOWN NAVY YARD

SUMMARY: Request authorization to adopt the attached Order of Taking for the southern wing of Building 114 and adjoining property located in the Charlestown Navy Yard and for the Director to execute a Termination Agreement so that the property can be made available for construction of a new Gate 6.

On July 28, 1993 the BRA Board voted to retain Rizzo Associates to design a new Gate 6 and extension to the existing street network in the Yard's End area of the Charlestown Navy Yard. This project is a key component of the Charlestown Navy Yard Master Plan which was approved by the Board in October 1990. Funding for this project has been provided by the Public Facilities Office of Capital Planning and the Federal Economic Development Administration. On January 13, 1994, the BRA Board voted to advertise the contract for the first phase of this project -- building demolition and structural design modifications to Building 114.

Located at the northeastern most end of the Yard, the proposed Gate 6 and entry roadway will substantially improve access to the Navy Yard, helping to stimulate development of the Yard's End parcels while minimizing traffic impacts to existing Navy Yard developments and the surrounding community. Construction of the new gate is critical to the success development of a 1.1 million square foot biomedical research center on Parcels 6 and 7. Gate 6 has also been defined as a key issue in the Massachusetts General Hospital's site selection process for the Spaulding Hospital relocation, a project which will keep 1,200 existing jobs in Boston. In addition, the construction of Gate 6 will leverage tremendous private investment projected at \$500 million and will create significant public benefits. Over 4,000 permanent jobs and 3,000 construction jobs are expected from the redevelopment of Yard's End.

This memorandum therefore recommends that an Order of Taking of Building 114's southern wing and adjoining land be made to facilitate the construction of the new Gate 6 and entrance roadway and the future redevelopment of the Yard's End area of the Charlestown Navy Yard.

VOTED: That the Authority adopt the attached Order of Taking for the southern wing of Building 114 containing approximately 7,164 sq. ft. and adjoining property containing approximately 28,159 sq. foot of land, both shown on a plan entitled "Boston Redevelopment Authority Lease Plan of Land - sheet No. 1 of 1," by Rizzo Associates Inc. and located in the Charlestown Navy Yard and that the Director be and hereby is authorized to execute a Termination Agreement substantially in the form attached hereto in order to proceed with the construction of Gate 6.

PASSER 40

Boston Redevelopment Authority

Raymond L. Flynn, Mayor

Clarence J. Jones, Chairman

Paul L. Barrett, Director

July 14, 1993

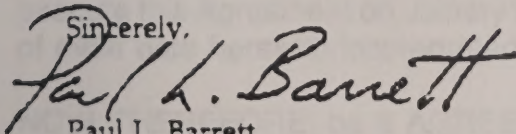
Mr. Robert H. Kuehn, Jr.
Keen Development Corporation
Two University Road
P.O. Box 2589
Cambridge, MA 02238

Dear Mr. Kuehn:

The BRA hereby grants a 90 day extension to your designation as the developer of Building 114 on the condition that you hereby agree by executing a copy of this letter to relinquish any and all rights pursuant to the Building 114 Ground Lease between the Boston Redevelopment Authority and Joinery Shop Associates Limited Partnership as may be necessary for the BRA to accomplish the construction of the new Gate 6 in accordance with the project Design Guidelines and the Economic Development Administration funding requirements for said Gate 6. You hereby consent to the Authority making a no damage eminent domain taking in order to effectuate a transfer of said areas that may be needed for said Gate 6 work.

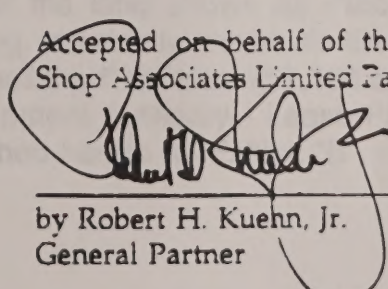
If the 90 day extension is agreeable on these conditions, please return a countersigned copy of this letter to the BRA.

Sincerely,



Paul L. Barrett
Director

Accepted on behalf of the Joinery
Shop Associates Limited Partnership


by Robert H. Kuehn, Jr.
General Partner

TERMINATION AGREEMENT

WHEREAS, the Boston Redevelopment Authority ("BRA") has secured approval for the construction of a new Gate 6 into the Charlestown Navy Yard from the Massachusetts Executive Office of Environmental Affairs ("EOEA"), the Massachusetts Historical Commission ("MHC") and the United State Department of Interior ("DOI"); and

WHEREAS, the BRA has been awarded funding for construction of Gate 6 from the Economic Development Administration ("EDA") of the United States Department of Commerce and from the City of Boston; and

WHEREAS, construction documents for the new Gate 6 are ready for bid; and

WHEREAS, the new Gate 6 is located on premises that are subject to a Ground Lease between the BRA and Joinery Shop Associates Limited Partnership ("Joinery"), and

WHEREAS, the BRA has provided Joinery an opportunity to review and comment on environmental impact reports submitted to EOEA to secure approval for the Gate 6 project; and

WHEREAS, by letter dated July 14, 1993 Joinery has agreed to relinquish any and all rights pursuant to the aforementioned ground lease as may be necessary to achieve the Gate 6 construction; and

WHEREAS, Mr. Robert H. Kuehn, Jr., as General Partner of Joinery, is authorized to execute this Agreement on Joinery's behalf, as evidenced by Mr. Marc D. Cumsky's letter of even date herewith incorporated as Exhibit "A" herein;

NOW THEREFORE, be it AGREED that the terms of the Ground Lease between the Boston Redevelopment Authority and Joinery Shop Associates Limited Partnership, dated July 1, 1988 are hereby terminated for that portion of the land shown as Parcel 1A containing 28,159 square feet more or less and building commonly known as the EI of Building 114 shown as "the portion of building to be demolished" containing 7,164 square feet more or less on a plan entitled "Boston Redevelopment Authority - Lease Plan of Land - sheet 1 of 1," - by Rizzo Associates, Inc., attached hereto as Exhibit "B".

IN WITNESS WHEREOF, the Parties to the Ground Lease have executed this AGREEMENT this ____ day of _____, 1994 under seal.

BOSTON REDEVELOPMENT AUTHORITY

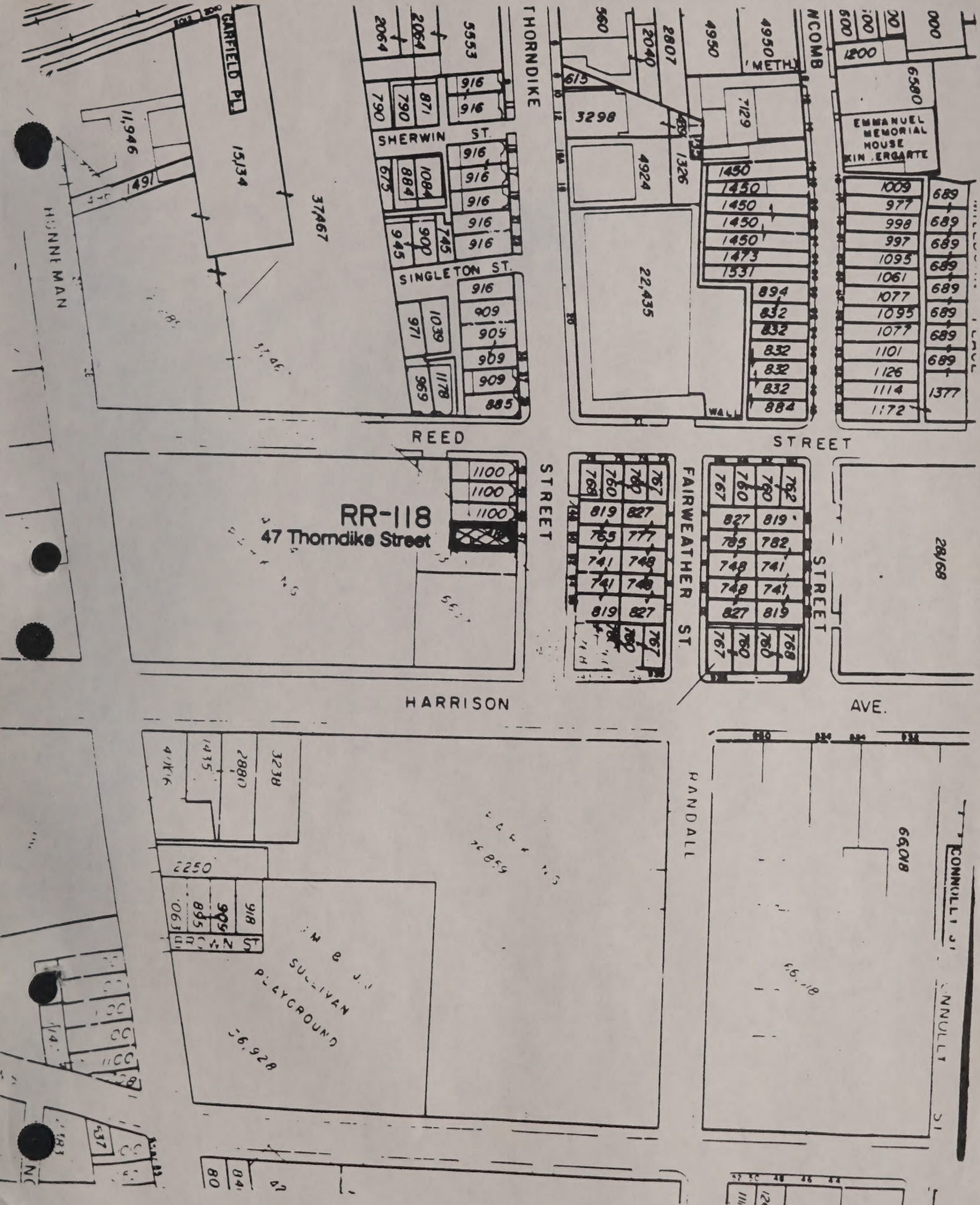
By: _____
Paul L. Barrett
Director

JOINERY SHOP ASSOCIATES

By: _____
Robert H. Kuehn, Jr.
General Partner

APPROVED AS TO FORM:

By: _____
Chief General Counsel



Recorded February 18, 1994 at 2:25
Document No. 462.
per Ralph Cabill
Asst. Gen. Counsel

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK SS.

RESOLUTION

BE IT RESOLVED by the Boston Redevelopment Authority that an Order of Taking dated JANUARY 26th, 1994 relating to portions of the CHARLESTOWN URBAN RENEWAL AREA, MASS. R-55, be executed and made a permanent part of these proceedings, a copy of which the Secretary shall cause to be recorded in the Office of the Registry of Deeds for the County of Suffolk.

A true copy

CERTIFICATE

I hereby certify that the following names constitute the entire membership of the Boston Redevelopment Authority:

Clarence J. Jones
Michael F. Donlan

James K. Flaherty
Consuelo Gonzales Thornell

A true copy

ATTEST: Joseph J. [Signature]
Secretary of the Boston Redevelopment Authority

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOSTON REDEVELOPMENT AUTHORITY

ORDER OF TAKING

WHEREAS, the Boston Redevelopment Authority, in accordance with G.L. c. 121B and its predecessor Statute G.L. c. 121, adopted and filed in the Suffolk County Registry of Deeds, Book 8069, Page 113, an Order of Taking dated September 15, 1966, concerning and describing the **CHARLESTOWN URBAN RENEWAL AREA**, all of the findings, determinations and descriptions set forth therein being incorporated herein by reference and made a part hereof;

WHEREAS, the Boston Redevelopment Authority has deposited with the Mayor of the City of Boston security to his satisfaction for the payment of such damages as may be awarded in accordance with law to the owner or owners of said area, as required by G.L. c. 79, §40; and

NOW, THEREFORE, BE IT ORDERED that the Boston Redevelopment Authority, acting under the provisions of said c. 121B, and all other authority thereunto enabling and pursuant to the applicable provisions of said c. 79, and of any and every power and authority to it, granted or implied, hereby takes for itself in fee simple by eminent domain, for the purposes hereinbefore set forth or referred to, the area or areas located in the City of Boston as hereinafter described in ANNEX A, together with a temporary construction easement and any and all easements and rights appurtenant thereto, including any trees, buildings and other structures standing upon or affixed thereto and including the fee, if any, in all public streets, highways and public ways in said area or areas or contiguous and adjacent to the property taken hereby, provided such fee is a part of said property, except any and all easements of travel in and to any and all public streets, highways and public ways in said area or areas or contiguous and adjacent thereto.

AND FURTHER ORDERED that in accordance with the provision of the said Chapter 79, as amended, awards are made by the Boston Redevelopment Authority for damages sustained by the owner or owners and all other persons, including all mortgagees of record,

having any and all interest in the parcel described in ANNEX A and entitled to any damages by reason of the taking hereby made. The Boston Redevelopment Authority reserves the right to amend the award (awarded in ANNEX B) at all times prior to the payment thereof by reason of a change in ownership or value of said property before the right to damages therefor has become vested or for other good cause shown. The awards hereby made are set forth in ANNEX B, which ANNEX B is not to be recorded in the Registry of Deeds with the Order of Taking.

AND FURTHER ORDERED that the Secretary of the Boston Redevelopment Authority cause this instrument of Taking to be recorded in the office of the Suffolk County Registry of Deeds.

IN WITNESS WHEREOF, we, the following members of the Boston Redevelopment Authority have caused the corporate seal of the Authority to be hereto affixed and these presents to be signed in the name and behalf of the Boston Redevelopment Authority.

DATED:

BOSTON REDEVELOPMENT AUTHORITY

By:

C. Lawrence Jones
Michael J. Hynes
J. F. Kelly
Constance Angela Mullen

ATTEST:

Joseph M. Walsh
Secretary of the Boston
Redevelopment Authority

APPROVED AS TO FORM:

Ralph F. Cahill
Ralph F. Cahill
Assistant General Counsel

ANNEX A
BOSTON REDEVELOPMENT AUTHORITY
CHARLESTOWN URBAN RENEWAL AREA
TAKING AREA DESCRIPTION

The following parcels of land are taken by this Order of Taking:

Two certain parcels of land with building thereon in the Charlestown Navy Yard Section of Charlestown, Suffolk County, Commonwealth of Massachusetts, shown as Parcel 1A (future roadway), containing 23,446 square feet and Parcel 1C (future roadway) containing 143 square feet, both shown on a plan entitled "BOSTON REDEVELOPMENT AUTHORITY-LEASE PLAN OF LAND - SHEET 1 OF 1 - dated February 17, 1994" by Rizzo Associates, recorded herewith.

Also included in this Order of Taking is a temporary construction easement in that area shown as Parcel 1B (Temporary Construction Easement, Lease Parcel) on the above mentioned plan containing 71,583 square feet for purposes of demolition of that area shown as "this portion of building to be demolished" and for construction of a wall and roadway and resurfacing the building and other construction uses necessary thereto.

The supposed owner of the above parcels is Joinery Shop Associates Limited Partnership.

ANNEX B

BOSTON REDEVELOPMENT AUTHORITY

CHARLESTOWN URBAN RENEWAL AREA

AWARD OF DAMAGES

No awards are made with this Order of Taking.